



May 7, 1999

Mr. Tracy A. Pounders  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR99-1250

Dear Mr. Pounders:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124217.

The City of Dallas (the "city") received a request for information relating to a proposed downtown sculpture garden at the Dallas Museum of Art. You claim that the submitted information is excepted from disclosure under sections 552.105, 552.107, and 552.111 of the Government Code. We have considered the exceptions you claim and have reviewed the submitted documents.

Section 552.105 excepts from disclosure information relating to

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

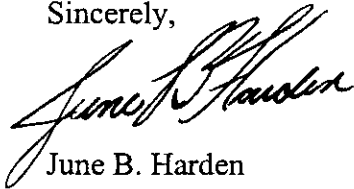
Section 552.105 is designed to protect a governmental body's planning and negotiating position with regard to particular transactions, and its protection is therefore limited in duration. Open Records Decision Nos. 564 (1990), 357 (1982), 310 (1982). Information excepted under section 552.105 that pertains to such negotiations may be excepted so long

as the transaction is not complete. Open Records Decision No. 310 (1982). The protection of section 552.105 generally expires upon the governmental body's acquisition of the property in question. Open Records Decision No. 222 (1979). Because this exception extends to "information pertaining to" the location, appraisals, and purchase price of property, it may protect more than a specific appraisal report prepared for a specific piece of property. Open Records Decision No. 564 at 2 (1990). A governmental body may withhold information "which, if released, would impair or tend to impair [its] 'planning and negotiating position in regard to particular transactions.'" Open Records Decision No. 357 at 3 (1982) (quoting Open Records Decision No. 222 (1979)).

You explain that the city is currently in the preliminary stages of a possible real property transaction. Furthermore, you state that the project has not yet been awarded and the premature release of this information may hamper the city's ability to acquire the most advantageous real property configuration for the sculpture garden. Based on your arguments, we conclude that you may withhold the submitted information under section 552.105.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 124217

encl. Submitted documents

cc: Ms. Christine Biederman  
Dallas Observer  
P.O. Box 190289  
Dallas, Texas 75219  
(w/o enclosures)